

BLUE RIBBON TASK FORCE ON THE MERIT SYSTEM  
FIRST ORGANIZATIONAL MEETING  
JULY 28, 2005 – 2:30 P.M.

MINUTES

**Members Present:**

Juan Rodriguez	Karen Neeley
Sarah Hall	Tim Coleman
Fontaine Banks, Jr.	Joy Moore
Secretary LaJuana Wilcher	Vickie Yates Brown
Senator R.J. Palmer, II	Senator Dan Kelly
Representative Jeff Hoover	Todd Hollenbach, IV
Representative Michael Cherry	Jack Smith, Jr.
Secretary Erwin Roberts – Chairman	John Y. Brown, III
Barbara Jane Moores	William Lear

**Members Absent:**

Attorney General Greg Stumbo  
Laura Babbage

**Also Present:**

Governor Ernie Fletcher  
Deputy Assistant Attorney General Janet Graham  
Mark White  
J.R. Dobner  
Members of the Media

The first organizational meeting of the Blue Ribbon Task Force on the Merit System was called to order by Chairman Erwin Roberts at 2:30 p.m. on July 28, 2005 in Room 125, Capitol Annex, Frankfort, Kentucky.

Chairman Roberts opened the meeting by welcoming everybody and thanking Governor Fletcher for establishing the task force as well as attending the first meeting. After making brief opening remarks, Chairman Roberts introduced Governor Ernie Fletcher.

Governor Fletcher began his remarks by thanking Secretary Roberts for agreeing to chair the Task Force and by welcoming and thanking the Task Force members for serving. Governor Fletcher continued his address by outlining the complexity of the task of investigating and recommending improvements to the merit system. Governor Fletcher gave a brief historical perspective of the current merit system however also

stated that he recognized that the current merit system has not kept up with the needs of state government and the changing face of its available work force.

Governor Fletcher pointed out that the 1964 Civil Rights Act was passed after the Commonwealth's merit system was established; however, the merit system prohibits recruiting and hiring based upon race. Governor Fletcher discussed that in 1993 then Governor Brereton Jones established a task force to study the merit system which found that there existed confusion, compensation inequities and multiple systems. In addition, the report published by that task force (the "1993 Report") found the law was obsolete and ineffective with inconsistent interpretation and enforcement.

Governor Fletcher then briefly outlined his experience regarding personnel since taking office, as well as additional historical perspectives on the current merit system.

Governor Fletcher then outlined the following charges to the Blue Ribbon Task Force for the Merit System:

1. Review the merit law as it stands to understand its complexity and breadth.
2. Examine how it has been implemented in the past and the present.
3. Review and address the 1993 Task Force report findings and recommendations.
4. Make recommendations to me regarding any changes that are needed in the merit system law and implementation.

Governor Fletcher then outlined the following guiding principles:

1. Give the appropriate protection to our state workers from capricious and arbitrary hiring and firing practices.
2. Insure that a democratically elected Governor can advance his or her vision that the people of Kentucky endorsed through the election process.
3. Provides clear, safe harbors and clearly define procedures that insure compliance meets the goals of protecting employees and protects those implementing the system from arbitrary civil and criminal actions.
4. Is efficient, practical and reflective of modern practices to insure that state government can be run efficiently and effectively.
5. Fosters the recruitment, retention and development of a competent and motivated work place.

Governor Fletcher, in closing, thanked the members for serving and asked them to work in a bipartisan way that puts the betterment of Kentucky and the prosperity of the state above other interests. [The full text of Governor's Fletcher's remarks has been previously provided to task force members and is also currently available at <http://governor.ky.gov>].

The floor was then opened for questions.

Secretary Wilcher then asked if the Governor had a time frame in mind.

Governor Fletcher responded that he would like to see initial recommendations around the first of October, and final recommendations around the beginning of November. Governor Fletcher also stated that he would like the Task Force to remain intact through the General Assembly.

With no further questions, Governor Fletcher departed the meeting.

Chairman Roberts recognized and thanked the LRC Staff, and the Senate and House Leadership for allowing the Task Force to utilize the location for this meeting. Additionally he thanked all the members for being there and recognized the personal sacrifice of time and energy to serve in this capacity.

Chairman Roberts then expressed the importance that employees have an opportunity to comment and testify and provide information to the Task Force.

Chairman Roberts then addressed the issue of Attorney General Greg Stumbo's absence from the meeting due to family medical needs. Chairman Roberts explained that Blue Ribbon Task Forces operate without proxies and therefore a proxy would not be allowed. However, Chairman Roberts stipulated that Attorney General Stumbo is an equal member and will be treated as such. Chairman Roberts shared his well wishes to Attorney General Stumbo's ailing family member.

Chairman Roberts then asked for the roll call.

Chairman Roberts then asked Task Force members to introduce themselves. The Task Force members introduced themselves and made brief comments.

Chairman Roberts then brought the members' attention to the prepared binders and discussed the content thereof.

Chairman Roberts then identified the subcommittees (Governance, Selection, Employee Relations, and Classification and Compensation) and thanked Senators Kelly and Palmer and Representatives Hoover and Cherry for agreeing to chair the subcommittees. Chairman Roberts then moved through the binder outlining each section.

Chairman Roberts then introduced Mr. Mark White, Director of Staffing Services in the Personnel Cabinet. Mr. White then introduced Mr. J.R. Dobner, staff attorney with the Personnel Cabinet - Office of Legal Services and stated that Mr. Dobner was present in case any legal questions came up. Mr. White then gave a basic overview of the merit hiring system. [A copy of Mr. Whites Presentation can be found in the Organizational Meeting Binder at Tab 3].

During Mr. White's presentation the discussion turned to internal mobility and competitive registers and at what level a decision to post a vacancy on the internal vs. the competitive registers are made.

Director White's presentation continued.

The discussion then briefly turned to the definition of "appointing authority".

The discussion then briefly turned to what the rationale for deciding to limit a job vacancy to internal mobility rather than competitive since it would limit the applicant pool. Director White explained it would be for promotional opportunity.

The discussion then briefly to testing and whether various jobs are tailored for specific jobs. Director White answered that in some instances they were, although there are also some generic type of exams.

The discussion then turned again to the definition of "appointing authority".

Director White then continued his presentation addressing the applicant process.

The discussion then turned to minimum requirements and regional test centers. Director White explained that minimum requirements were determined by the classification. Director White indicated that we did and further explained the inefficiency of these test centers.

The issue of applicants who do not have access to a computer the was briefly discussed. Director White explained that the usage of the term "online" refers not to web based systems, but rather computerized testing done in Frankfort whereby when an applicant finishes testing the finished button is pressed and the results are instantly tabulated and the results are printed showing the score.

Director White then continued his presentation, discussing the overview of how a vacancy is created, posted, and filled. Director White finished his presentation by bringing the members' attention to the volume of applicants who are seen annually, as well as the potential new recruitment packages that the Cabinet is currently reviewing.

Chairman Roberts then opened the floor for discussion.

Representative Cherry then inquired as to the subcommittees. Chairman Roberts indicated that he would defer to the subcommittees to handle their own meetings but indicated the desire to have a meeting of the subcommittees on the 8<sup>th</sup> after the meeting of the entire Task Force.

Mr. Brown then recommended that the Task Force use other states' best practices so not to "reinvent the wheel".

Ms. Moores then indicated that best practices are already published and are available on the web.

Senator Kelly requested that at a future meeting he would like to get a breakdown of the political affiliation of the people hired in the past twenty years, in five year increments, what percentage in the last five years were one party or the other. Chairman Roberts indicated that we would try to provide that information.

Ms. Moores offered to bring the name of a contact in Lexington who would be a source for finding the best practices in merit systems nationwide.

Ms. Hall then indicated her desire to look at the complexities between a competitive applicant versus an internal mobility candidate.

The discussion then turned to the time and place for the August 8, 2005 meeting.

There being no further discussion, Chairman Roberts moved to adjourn.